

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 11/19/2018

BOARD MEMBERS PRESENT: Carla A Steen - Chair
Marcia C Garey
Riki Nagle-Ker

BOARD MEMBERS ABSENT: Justin Kobbe Solace
Mary Jo White, D.C.

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Julie Eavenson, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Candace Villarreal, Technical Records Specialist I

The meeting was called to order at 8:35 AM MST by Carla A Steen.

INTRODUCTION OF NEW BOARD MEMBER

New Board Member Riki Nagle-Ker was introduced.

APPROVAL OF MINUTES

Ms. Garey made a motion to approve the minutes of 9/17/2018. It was seconded by Ms. Nagle-Ker. Motion carried.

LEGISLATIVE REPORT

Ms. Cory said that the Bureau will be working on putting together legislative outreach meetings similar to the meetings last year with Board members and legislators. She said the Bureau would be reaching out to Board members in the next several weeks to see when they would be available to meet with legislators in their communities.

EXECUTIVE ORDER

Ms. Cory gave a brief overview of the Executive Order process for the new Board member.

INTERIM COMMITTEE: OCCUPATIONAL LICENSING & CERTIFICATION LAWS COMMITTEE

Ms. Cory updated the Board on the Legislative Interim Committee's meeting held on 10/19/2018. Greg Wilson, Lt. Governor Brad Little's chief of staff, presented the Licensing Freedom Act Report and Initial Recommendations. As stated in the report, the Lt. Governor Little will convene a working group to review the agency reports in greater depth; review specific recommendations from Boards, commissions, and agencies; and begin implementing the initial recommendations from this report. A link to this report is on the Lt. Governor's website.

The Committee heard from legislative services staff on topics they had researched, and from Marv Hagedorn, Idaho Division of Veteran's Affairs chief administrator. Topics included military service members and veterans; fees; felonies; and endorsement. Albert Downs, National Conference of State Legislatures (NCSL), addressed the Committee and extended an invitation to Idaho to participate in the NCSL Occupational Licensing Consortium. Ms. Cory stated that the multi-state consortium was organized last year by the NCSL. It is looking at items related to licensing and certification laws and nationwide alignment. The Committee voted to accept the NCSL's invitation for Idaho to join the consortium. The Lt. Governor and the Legislature are working together on these efforts.

The Interim Committee co-chairs mentioned that its members will be reaching out to Board members to discuss the Executive Order Reports. The Interim Committee's next meeting is scheduled for November 26th. Ms. Cory will continue to follow these issues and update the designated Board members.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$353,412.61 as of 10/31/2018.

DISCIPLINE

Mr. Eric Nelson, Naylor & Hales introduced himself as the new board prosecutor for the Idaho Board of Massage Therapy and announced the pending retirement of Ms. Jean Uranga.

Mr. Nelson presented a memorandum regarding case number MAS-2019-1 (10554). After discussion, the Board gave recommendations for appropriate discipline.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above. Ms. Peel also gave an overview of the complaint resolution process.

OLD BUSINESS

TO DO LIST

The Board reviewed the To Do List and no action was taken.

APPLICATION UPDATES

Ms. Hall presented an update to the endorsement application to remove the requirement to provide a copy of the education and experience requirements of state licensure laws and rules for that state. Ms. Nagle-Ker made a motion to approve the draft and publish it to the website. It was seconded by Ms. Garey. Motion carried.

NEW BUSINESS

MEETING DATES

NEXT MEETING is scheduled for January 07, 2019 at 8:30 AM MST

ANOTHER MEETING is scheduled for March 11, 2019 at 8:30 AM MST

ANOTHER MEETING is scheduled for May 06, 2019 at 8:30 AM MDT

ANOTHER MEETING is scheduled for July 15, 2019 at 8:30 AM MDT

FEDERATION OF STATE MASSAGE THERAPY BOARDS ANNUAL MEETING REPORT

Ms. Garey reported on the Conference of the Federation of State Massage Therapy Boards (FSMTB) held in Salt Lake City, Utah on October 4-6, 2018. Ms. Garey stated that she presented highlights to the conference delegation, such as the Idaho Licensing Freedom Act and Executive Order. Ms. Garey discussed items covered at the conference including changes to the FSMTB score reports, MBLEx content changes, fingerprinting, human trafficking, establishment licensure, the annual report content, and election outcomes. She stated the next conference will be held in Atlanta, Georgia on October 3-5, 2019 and that the 2019 Executive Directors Summit dates are to be determined.

CORRESPONDENCE

IDAHO ANTI-TRAFFICKING COALITION

The Board reviewed a letter submitted by Marie Voth, communications liaison for the Idaho Anti-Trafficking Coalition (IATC), regarding the IATC mission and its partnerships, including the Governor's Human Trafficking Task Force. The letter also discussed a local spa's advertisements and the IATC's concerns about human trafficking. Ms. Garey made a motion for the Board Chair to send a response and invite an IATC representative to attend a future Board meeting to give a presentation on the IATC's mission, goals and partnerships, and have the representative hear from the Board about how the Idaho Board of Massage Therapy functions within the laws and rules set forth by the Legislature. Ms. Garey asked that the response include verbiage stating that if a violation of the laws and rules has occurred

regarding licensees working at the spa, the organization may file a complaint with the Board's Investigative Unit. It was seconded by Ms. Nagle-Ker. Motion carried.

ONLINE MASSAGE SCHOOLS AND APPRENTICESHIP PROGRAMS

A letter from Shelly Patterson regarding online massage therapy schools and apprenticeship was reviewed by the Board. Ms. Garey made a motion to direct Bureau staff to send a response that schools need to meet the minimum educational program standards approved by the Idaho Department of Education or a comparable authority in another state. The Bureau was directed to cite section 600 Educational Program Standards; 010 Definitions; and, in particular, 010.01. It was also directed to have the Board Chair review the reply before the letter is mailed. It was seconded by Ms. Nagle-Ker. Motion carried.

FEDERATION OF ASSOCIATIONS OF REGULATORY BOARDS

The Board reviewed correspondence from the Federation of Associations of Regulatory Boards (FARB) regarding attendance at the 43rd Annual FARB Forum to be held in New Orleans, Louisiana January 24-27, 2019. All Board members in attendance declined to attend. Ms. Garey made a motion for the Board Specialist to contact Dr. White and Mr. Kobbe-Solace to determine if they would be interested in attending and if necessary, to allow the Board Chair to appoint a delegate before the next Board meeting. It was seconded by Ms. Nagle-Ker. Motion carried.

ROLF INSTITUTE OF STRUCTURAL INTEGRATION COLORADO APPROVAL

The Board reviewed a letter from Stephanie Bradley, Executive Assistant to the Colorado Education Department, stating that the Rolf Institute for Structural Integration has been re-approved by the Colorado Division of Private and Occupational Schools as a Massage and Bodywork program. No action was taken.

MUSGUTOVA NEUROSENSORIMOTOR REFLEX INTEGRATION

The Board reviewed a letter written by Kailie Denham regarding the practice of Masgutova Neurosensorimotor Reflex Integration (MNRI) without a license and an application regarding exemption of licensure. Following discussion, Ms. Garey made a motion to direct the Board Specialist to send a reply that there is no specific application process for exemption from licensure and to please review the requirements contained in Rules and Law, in particular Idaho Code § 54-4002, § 54-4003 and § 54-4005, and that beyond recommending these references the Board does not provide private legal opinions or advice regarding scope of practice or the practice of specific modalities without licensure in Idaho. It was seconded by Ms. Nagle-Ker. Motion carried.

EXECUTIVE SESSION

Ms. Garey made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. Nagle-Ker. The vote was: Ms. Garey, aye; Ms. Nagle-Ker, aye; and Ms. Steen, aye. Motion carried.

Ms. Garey made a motion to come out of executive session. It was seconded by Ms. Nagle-Ker. The vote was: Ms. Garey, aye; Ms. Nagle-Ker, aye; and Ms. Steen, aye. Motion carried.

CE COURSE APPROVAL APPLICATIONS

Ms. Garey made a motion to deny the following Course Approval Application:

16492 Personal and Business Responsibility

It was seconded by Ms. Nagle-Ker. Ms. Steen abstained from discussion and voting. Motion carried.

APPLICATIONS

Ms. Garey made a motion to approve the following for licensure:

Alvarez, Galicia	MASA-3649
Bair, Stacey	MASA-3645
Baye, Haley	MASA-3651
Benner, Karen	MASA-3676
Bishop, Sarah	MASA-3633
Branson, Kari	MASA-3634
Bynum, Xalina	MASA-3658
Claytor, Megan	MASA-3673
Corrigan, Alex	MASA-3640
Donohoo, Daniel	MASA-3642
Downing, Michaela	MASA-3650
Dumond, Jana	MASA-3638
Eaton, Geoff	MASA-3654
Emehiser, Cheryl	MASA-3656
Frederick, Maria	MASA-3629
Gardner, Breeann	MASA-3625
Gulley, Allison	MASA-3663
Harcourt, Lisa	MASA-3672
Hatzidakis, Melinda	MASA-3630
Hilderbrand, Jessica	MASA-3653
Houseman, Creta	MASA-3626
Jiang, ShanShan	MASA-3652

Johnson, Vance	MASA-3628
Kerbs, Margaret	MASA-3666
Kimball, Dongmei	MASA-3623
Kleese, Abbey	MASA-3644
Kovacs, Shelly	MASA-3639
Land, James	MASA-3635
Liu, Shu Ling	MASA-3624
Louderback, Rachel	MASA-3668
Luster, Brandon	MASA-3659
Mangels, Amber	MASA-3675
Marshall, Preshella	MASA-3669
Mcdonald, Jacqueline	MASA-3631
Oistad, Kali	MASA-3643
Pettet, Erika	MASA-3648
Piscopo, Lisa	MASA-3665
Sampsel, Claire	MASA-3657
Shiner, Bobbie	MASA-3647
Sisson, Gabrielle	MASA-3660
Thompson, Janelle	MASA-3632
Thompson, Terrell	MASA-3627
Tompkins, Tami	MASA-3641
Yergensen, Chunhong	MASA-3646

It was seconded by Ms. Nagle-Ker. Motion carried.

Ms. Garey made a motion to approve the following for licensure:

Evans, Codee	MASA-3669
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It was seconded by Ms. Nagle-Ker. Ms. Steen recused herself from discussion and voting. Motion carried.

Ms. Nagle-Ker made a motion to approve the following pending receipt of additional information:

901-162-670
 901-162-943
 901-163-080
 901-162-134
 901-162-955
 901-163-043
 901-163-190
 901-162-150
 901-162-900

It was seconded by Ms. Garey. Motion carried.

ADJOURNMENT

Ms. Garey made a motion to adjourn the meeting at **1:07 PM MST**. It was seconded by Ms. Nagle-Ker. Motion carried.

Carla A Steen, Chair

Marcia C Garey

Mary Jo White, D.C.

Justin Kobbe Solace

Riki Nagle-Ker

Tana Cory, Bureau Chief